

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS  
COUGAR SPORT INC.

DEFENDANTS  
ADIDAS AMERICA, INC. and ADIDAS AG

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Anthony F. Lo Cicero  
AMSTER, ROTHSTEIN & EBENSTEIN LLP  
90 Park Avenue  
New York, NY 10016

ATTORNEYS (IF KNOWN)

Charles H. Hooker III  
KILPATRICK TOWNSEND  
Suite 2800, 1100 Peachtree Street  
Atlanta, Ga 30309

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.S.C. Sec. 2201 Creation of Remedy; 28 U.S.C. Sec. 2202 Further Relief; Declaratory Judgment

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No ☒ Yes ☐ Judge Previously Assigned

If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No ☒ Yes ☐

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS		ACTIONS UNDER STATUTES			
<b>CONTRACT</b>	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<b>FORFEITURE/PENALTY</b>	<b>BANKRUPTCY</b>	<b>OTHER STATUTES</b>
<input type="checkbox"/> 110 INSURANCE	<input type="checkbox"/> 310 AIRPLANE	<input type="checkbox"/> 367 HEALTHCARE/	<input type="checkbox"/> 625 DRUG RELATED	<input type="checkbox"/> 422 APPEAL	<input type="checkbox"/> 375 FALSE CLAIMS
<input type="checkbox"/> 120 MARINE	<input type="checkbox"/> 315 AIRPLANE PRODUCT	PHARMACEUTICAL PERSONAL	INJURY/PRODUCT LIABILITY	<input type="checkbox"/> 423 WITHDRAWAL	<input type="checkbox"/> 400 STATE
<input type="checkbox"/> 130 MILLER ACT	<input type="checkbox"/> 320 ASSAULT, LIBEL &	<input type="checkbox"/> 365 PERSONAL INJURY	SEIZURE OF PROPERTY	<input type="checkbox"/> 423 WITHDRAWAL	<input type="checkbox"/> 410 ANTITRUST
<input type="checkbox"/> 140 NEGOTIABLE	SLANDER	PRODUCT LIABILITY	21 USC 881	<input type="checkbox"/> 423 WITHDRAWAL	<input type="checkbox"/> 430 BANKS & BANKING
<input type="checkbox"/> 150 RECOVERY OF	<input type="checkbox"/> 330 FEDERAL	<input type="checkbox"/> 368 ASBESTOS PERSONAL	<input type="checkbox"/> 690 OTHER	<input type="checkbox"/> 423 WITHDRAWAL	<input type="checkbox"/> 450 COMMERCE
OVERPAYMENT &	EMPLOYERS'	INJURY PRODUCT		<input type="checkbox"/> 423 WITHDRAWAL	<input type="checkbox"/> 460 DEPORTATION
ENFORCEMENT	LIABILITY	LIABILITY		<input type="checkbox"/> 423 WITHDRAWAL	<input type="checkbox"/> 470 RACKETEER INFLU-
<input type="checkbox"/> 151 OF JUDGMENT	<input type="checkbox"/> 340 MARINE	<b>PERSONAL PROPERTY</b>		<input type="checkbox"/> 820 COPYRIGHTS	ENCED & CORRUPT
<input type="checkbox"/> 152 MEDICARE ACT	<input type="checkbox"/> 345 MARINE PRODUCT	<input type="checkbox"/> 370 OTHER FRAUD		<input type="checkbox"/> 830 PATENT	ORGANIZATION ACT
RECOVERY OF	LIABILITY	<input type="checkbox"/> 371 TRUTH IN LENDING		<input checked="" type="checkbox"/> 840 TRADEMARK	(RICO)
DEFAULTED	<input type="checkbox"/> 350 MOTOR VEHICLE				<input type="checkbox"/> 480 CONSUMER CREDIT
STUDENT LOANS	<input type="checkbox"/> 355 MOTOR VEHICLE				<input type="checkbox"/> 490 CABLE/SATELLITE TV
(EXCL VETERANS)	PRODUCT LIABILITY				
<input type="checkbox"/> 153 RECOVERY OF	<input type="checkbox"/> 360 OTHER PERSONAL	<input type="checkbox"/> 380 OTHER PERSONAL	<b>LABOR</b>	<b>SOCIAL SECURITY</b>	<input type="checkbox"/> 850 SECURITIES/
OVERPAYMENT	INJURY	PROPERTY DAMAGE		<input type="checkbox"/> 861 HIA (1395ff)	COMMODITIES/
OF VETERAN'S	<input type="checkbox"/> 362 PERSONAL INJURY -	<input type="checkbox"/> 385 PROPERTY DAMAGE	<input type="checkbox"/> 710 FAIR LABOR	<input type="checkbox"/> 862 BLACK LUNG (923)	EXCHANGE
BENEFITS	MED MALPRACTICE	PRODUCT LIABILITY	STANDARDS ACT	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	
<input type="checkbox"/> 160 STOCKHOLDERS		<b>PRISONER PETITIONS</b>	<input type="checkbox"/> 720 LABOR/MGMT	<input type="checkbox"/> 864 SSID TITLE XVI	<input type="checkbox"/> 890 OTHER STATUTORY
SUITS		<input type="checkbox"/> 463 ALIEN DETAINEE	RELATIONS	<input type="checkbox"/> 865 RSI (405(g))	ACTIONS
<input type="checkbox"/> 190 OTHER		<input type="checkbox"/> 510 MOTIONS TO	<input type="checkbox"/> 740 RAILWAY LABOR ACT		<input type="checkbox"/> 891 AGRICULTURAL ACTS
CONTRACT		VACATE SENTENCE	<input type="checkbox"/> 751 FAMILY MEDICAL	<b>FEDERAL TAX SUITS</b>	
<input type="checkbox"/> 195 CONTRACT		28 USC 2255	LEAVE ACT (FMLA)	<input type="checkbox"/> 870 TAXES (U.S. Plaintiff or	
PRODUCT		<input type="checkbox"/> 530 HABEAS CORPUS	<input type="checkbox"/> 790 OTHER LABOR	Defendant)	<input type="checkbox"/> 893 ENVIRONMENTAL
LIABILITY		<input type="checkbox"/> 535 DEATH PENALTY	LITIGATION	<input type="checkbox"/> 871 IRS-THIRD PARTY	MATTERS
<input type="checkbox"/> 196 FRANCHISE		<input type="checkbox"/> 540 MANDAMUS & OTHER	<input type="checkbox"/> 791 EMPL RET INC	26 USC 7609	<input type="checkbox"/> 895 FREEDOM OF
			SECURITY ACT (ERISA)		INFORMATION ACT
<b>REAL PROPERTY</b>	<b>ACTIONS UNDER STATUTES</b>				<input type="checkbox"/> 896 ARBITRATION
<input type="checkbox"/> 210 LAND	<input type="checkbox"/> 440 OTHER CIVIL RIGHTS	<b>PRISONER CIVIL RIGHTS</b>	<b>IMMIGRATION</b>		<input type="checkbox"/> 899 ADMINISTRATIVE
CONDEMNATION	(Non-Prisoner)	<input type="checkbox"/> 550 CIVIL RIGHTS	<input type="checkbox"/> 462 NATURALIZATION		PROCEDURE ACT/REVIEW OR
<input type="checkbox"/> 220 FORECLOSURE	<input type="checkbox"/> 441 VOTING	<input type="checkbox"/> 555 PRISON CONDITION	APPLICATION		APPEAL OF AGENCY DECISION
<input type="checkbox"/> 230 RENT LEASE &	<input type="checkbox"/> 442 EMPLOYMENT	<input type="checkbox"/> 560 CIVIL DETAINEE	<input type="checkbox"/> 465 OTHER IMMIGRATION		
EJECTMENT	<input type="checkbox"/> 443 HOUSING/	CONDITIONS OF CONFINEMENT	ACTIONS		<input type="checkbox"/> 950 CONSTITUTIONALITY OF
<input type="checkbox"/> 240 TORTS TO LAND	ACCOMMODATIONS				STATE STATUTES
<input type="checkbox"/> 245 TORT PRODUCT	<input type="checkbox"/> 445 AMERICANS WITH				
LIABILITY	DISABILITIES -				
<input type="checkbox"/> 290 ALL OTHER	EMPLOYMENT				
REAL PROPERTY	<input type="checkbox"/> 446 AMERICANS WITH				
	DISABILITIES -OTHER				
	<input type="checkbox"/> 448 EDUCATION				

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?  
IF SO, STATE:

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

Check YES only if demanded in complaint

JURY DEMAND: ☐ YES ☒ NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN x IN ONE BOX ONLY)

**ORIGIN**

- ☒ 1 Original Proceeding    ☐ 2 Removed from State Court  
    ☐ a. all parties represented    ☐ 3 Remanded from Appellate Court  
    ☐ b. At least one party is pro se.    ☐ 4 Reinstated or Reopened  
    ☐ 5 Transferred from (Specify District)    ☐ 6 Multidistrict Litigation  
    ☐ 7 Appeal to District Judge from Magistrate Judge Judgment

(PLACE AN x IN ONE BOX ONLY)

**BASIS OF JURISDICTION**

**IF DIVERSITY, INDICATE CITIZENSHIP BELOW.**

- ☐ 1 U.S. PLAINTIFF    ☐ 2 U.S. DEFENDANT    ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY)    ☐ 4 DIVERSITY

**CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)**

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [ ] 1	DEF [ ] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF [ ] 3	DEF [ ] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF [ ] 5	DEF [ ] 5
CITIZEN OF ANOTHER STATE	[ ] 2	[ ] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ] 4	[ ] 4	FOREIGN NATION	[ ] 6	[ ] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)  
COUGAR SPORT INC.  
55 W. 39th Street, Suite 305  
New York, NY 10018

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)  
ADIDAS AMERICA, INC.  
5055 Greeley Ave.  
Portland, OR 97217

ADIDAS AG  
Postach 11230  
D-91072 Herzogenaurach  
Federal Republic of Germany

**DEFENDANT(S) ADDRESS UNKNOWN**

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS    ☒ MANHATTAN  
(DO NOT check either box if this a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE 09/29/15    SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #



ADMITTED TO PRACTICE IN THIS DISTRICT  
[ ] NO

☒ YES (DATE ADMITTED Mo. 06 Yr. 1976)  
Attorney Bar Code # AL 7538

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)